

Memorandum

To : File

Date : October 25, 1985
No. M-85-219

From : FAIR POLITICAL PRACTICES COMMISSION

Kathryn E. Donovan *KED*

Subject: Telephone Advice to John Hutton, City Attorney of Kings County

On October 15, 1985, Mr. Hutton requested telephone advice regarding the duty of the City of Kings City to file campaign statements. The City has enacted an ordinance creating a redevelopment agency. This ordinance will be the subject of an upcoming referendum election. The City has requested the private law firm which would serve as legal counsel for the redevelopment agency to prepare arguments against the referendum for publication in the ballot pamphlet. Mr. Hutton asked whether the City could become an independent expenditure committee which must file campaign statements if the City spends \$500 or more for the preparation of these ballot pamphlet arguments.

I informed Mr. Hutton that we would not consider the City to be an independent expenditure committee if it spends \$500 or more for the preparation of these ballot pamphlet arguments.

I informed Mr. Hutton that we would not consider the City to be an independent expenditure committee if it spends \$500 or more for the preparation of ballot pamphlet arguments against the referendum. Elections Code Sections 4015 and 4057 specifically authorize the city council to submit arguments against a referendum for publication in the ballot pamphlet. Because this expenditure is specifically authorized by statute it is a legitimate expenditure for the performance of the official duties of the city council, and should not be considered an independent expenditure under Government Code Section 82031. However, any expenditures made by the City for advertising or other campaign activities in opposition to the referendum would be considered independent expenditures by the City (see 2 Cal. Adm. Code Section 18420); therefore, we would consider the City to be an independent expenditure committee if expenditures of that sort totaled \$500 or more in a calendar year.

KED:plh